



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of:

James M. Carmouche

Application No.: 10/706,455

Filed: 11/12/2003

For: APPARATUS FOR EXTRACTING
CONCRETE FORMS AND ELEMENTS
RELATED TO CONCRETE FORMWORKS

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Atty Docket No. IND699/4-001CIPUS

Examiner: Robert C. Watson

Art Unit: 3723

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT / RESPONSE TO OFFICE ACTION DATED SEPTEMBER 15, 2005

Dear Examiner Watson:

This correspondence is being filed as a full response to the Office action dated September 15, 2005. Applicant respectfully requests entry of the following amendments and consideration of the appended remarks.

This response is being filed with a request for a two month extension of time up to and including February 15, 2006. The Commissioner is hereby authorized to charge the \$225.00 two month extension of time fee for a small entity to Vinson & Elkins' Deposit Account No. 22-0365; Attn: IND699/4-001CIPUS.

RESPONSE

The Examiner rejected claims 2-4 and 9-11 under 35 U.S.C. 112, second paragraph. The Examiner points out that the use of the term “smaller” in claims 2 and 9 does not make sense in light of the Applicant’s disclosure. The Applicant respectfully submits that the use of the term “smaller” instead of the intended term “larger,” in claims 2 and 9, was merely a typographical error. Paragraph 25 of the Applicant’s Specification clearly describes the hole of the extraction assembly to be slightly larger than the diameter of the embedded element(s). The Applicant has corrected this error in the amendments below and thanks the Examiner for bringing this error to the Applicant’s attention.

The Examiner rejected claim 15 under 35 U.S.C. 102(b), arguing that claim 15 was anticipated by the DeRome reference. Further, the Examiner objected to claims 18-20 as being dependent upon a rejected base claim, but indicated that such claims would be allowable if re-written. The Examiner withdrew claims 16 and 17 from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a non-elected species. Finally, the Examiner indicated that claims 1, 5-8, and 12-14 have been allowed.